

COUNTY OF YORK

MEMORANDUM

DATE: July 1, 2004 (BOS Mtg. 7/13/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Grafton Drive – Burts Road Connector

The Six-Year Secondary Road System Improvement Plan includes a proposed project to connect Grafton Drive and Burts Road, with the objective of providing a parallel travelway to Route 17 in the Grafton area. Although a major portion of the right-of-way necessary to accommodate this proposed road has been reserved and proffered for dedication by the developers of the Rainbrook Villas condominium project, the scarcity of funds in the Secondary System allocations has pushed the project schedule into the 2009/2010 timeframe, at best. While some very preliminary engineering work has been accomplished by VDOT, cuts to the Secondary allocations and the need to secure additional right-of-way north of the Rainbrook development currently dictate that the project could not begin until the 2009/2010 timeframe, at best. However, the VDOT Resident Engineer has indicated that if the necessary right-of-way can be secured, and the engineering plans prepared, he believes that the construction of at least the first segment of the connector (between Grafton Drive and the Rainbrook entrance) could be advanced. Completing this first segment would allow access to Rainbrook Villas via Grafton Drive/Burts Road, rather than the current access drive from Route 17. This would alleviate a traffic safety issue that has been of great concern to the residents of Rainbrook and other users of the Grafton Drive/Dare Road/Route 17 intersection. In addition, the elimination of the access drive to Route 17 would allow the property that it occupies to be considered for rezoning from PD-Planned Development to GB-General Business, thus making it available for tax base enhancement as well as eliminating the additional setback and buffering issues that impact development on adjoining properties.

With this situation as background, several months ago the Board authorized staff to pursue opportunities for the County to secure the right-of-way that will be necessary for this first segment of the Grafton Drive/Burts Road project. As a result of those efforts, proposed land purchase and land exchange agreements have been negotiated and are presented for the Board's consideration and approval. These agreements are attached and are summarized below. A map depicting the parcels involved in these proposed agreements is attached.

- Land Exchange Agreement: Approximately 45,000 square feet (1.1 acres) of the John G. Martin Co., L.L.C. property needs to be acquired to accommodate the proposed road connection. The subject property, which was formerly the site of the Grafton Putt-Putt and Golf Driving Range, is zoned GB-General Business along its Grafton Drive frontage and RMF-Multi-Family Residential on its back acreage. In discussions with the property owner, it was learned that the principals would not willingly sell the required right-of-way to VDOT (or the County) but

would be willing to consider exchanging the needed area for adjacent property that would increase their Route 17 exposure and frontage. The adjacent property of interest to the Martin Company is the former MaTate's Restaurant site (Assessor's Parcel Nos. 29-22 and 23, now owned by Wave Properties), which most recently has been proposed for development of a car wash facility. Accordingly, the proposed land exchange agreement would provide for the Martin Company to acquire those two parcels in exchange for approximately 45,000 square feet of land (in the configuration of the necessary right-of-way) plus a payment to the County of \$25,000. The agreement is, of course, contingent on the County acquiring the two parcels from Wave Properties, and Board approval.

- Land Purchase Agreement: As noted above, the parcels which the Martin Company would acquire in exchange are currently owned by Wave Properties, L.L.C. Wave Properties purchased the parcels in 2003 with the intention of developing a car wash facility, which at the time was a use permitted as a matter of right in the GB-General Business zoning district. For various reasons, Wave Properties has expressed a willingness to consider abandoning its plans for a car wash on the property and in discussions with staff indicated a willingness to consider selling the property. As a result of subsequent negotiations, and knowing of the Martin Company's interest in the parcels, a proposed land purchase agreement has been developed. The proposed agreement provides for the sale of the two parcels to the County for the sum of \$350,000, plus closing costs (estimated to be approximately \$3,500). The \$350,000 figure represents the value set by an appraisal prepared in October 2003 for Wave Properties and, while more than the assessed value assigned by the County to the property, a portion of that difference would be made up by the \$25,000 cash payment from the Martin Company. The proposed agreement would be contingent on execution of the exchange agreement with the Martin Company, and Board approval.

The principal benefit of these two proposed agreements is that the right-of-way necessary for a major part of the Burts Road/Grafton Drive connector can be acquired through an "arms-length" transaction, rather than necessitating a potential future condemnation action by VDOT. Condemnation would, according to VDOT sources, undoubtedly add to the cost of acquisition, perhaps by as much as 50-100%. Additionally, based on anticipated Secondary System funding, VDOT would not likely be in a position to begin right-of-way acquisition until late in the decade, by which time land values would escalate even more. A secondary benefit is that the arrangement would create a larger "corner" parcel on the southwest quadrant of the Dare Road/Grafton Drive/Route 17 intersection, thus improving its economic viability and contributing to the Board's goal of enhancing economic development opportunities on Route 17. Additionally, a residual portion of the area to be acquired from the Martin Company and to be retained by the County will eventually be able to be offered for sale to the owner of the triangular parcel on the northwest quadrant of the intersection, thus improving its development potential as well.

Funding for this land acquisition can be made available from already appropriated funds in the Shared Roads CIP account. This can be done by shifting previously allocated

Revenue Sharing Program funding from the following projects to the Grafton Drive/Burts Road project:

- \$218,500 from the Water Country Parkway relocation construction fund
- \$65,000 from the Grove Interchange landscaping fund
- \$45,000 from the Route 17 landscaping/streetscaping fund

It is important to note that the appraised value of the property that will be designated as right-of-way can be pledged as a Revenue Sharing Program contribution, just the same as cash. For example, if the value of the right-of-way were \$100,000, the Board can apply to VDOT to match that amount in the form of a contribution to the project budget (for use for engineering or construction). Since funding for this project in the Secondary Six-Year Plan is limited, any cash contributions from other funding sources would be beneficial and will help to advance the construction schedule.

In summary, I believe that the approach outlined above would provide the following benefits:

- An opportunity to infuse funds from a source other than the Secondary Six-Year Plan allocations (i.e., the VDOT match from the Revenue Sharing Program).
- An opportunity to advance the construction schedule for the Grafton Drive/Burts Road connector while minimizing future right-of-way acquisition costs;
- An opportunity to address a potential safety problem at the Dare Road/Grafton Drive/Route 17 intersection; and
- An opportunity to maximize the development potential of a prime corner parcel; and

Based on the above noted considerations, I recommend that the Board adopt proposed Resolution No. R04-111, which will authorize me to execute the two proposed agreements. Assuming authorization by the Board and satisfaction of all conditions and contingencies, closing on the contract with Wave Properties will occur as soon as possible. Please note that the consummation of the exchange of those parcels with the Martin Company will be dependent on determination of the exact survey boundaries of the property to be acquired from Martin, as well as the scheduling of a public hearing by the Board (since the exchange will involve disposition of public property).

Staff stands ready to answer any questions or provide any desired information concerning this proposal.

Carter/3337:jmc

Attachment: Vicinity Map
Proposed Agreements
Proposed Resolution No. R04-111